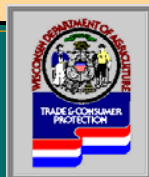
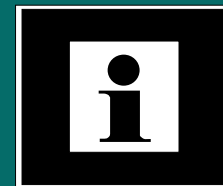


LANDLORD / TENANT LAW & HAZARD ABATEMENT



1

WHAT'S COVERED TODAY



- EXISTING LAW
- MAKING THE CASE
- TRI-AGENCY AGREEMENTS
- OPEN QUESTIONS

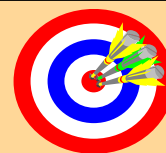
2

LANDLORD - TENANT LAW

- Chapter 704 - Wis. Statutes
 - "Landlord - Tenant"
 - Privately enforced
- ATPC 134
 - "Residential Rental Practices"
 - Adopted under Fair Trade Practices statute
 - Enforced by DATCP
 - Defines contractual relationships



3

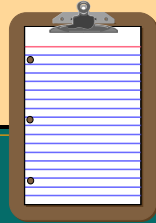


POTENTIAL VIOLATIONS

- ATPC 134.04(2) CODE & HABITABILITY
- ATPC 134.07 PROMISES TO REPAIR
- ATPC 134.08(7) WAIVER OF LIABILITY
- ATPC 134.09(1) CONDEMNED PROPERTY
- ATPC 134.09(9) MISREPRESENTATIONS

4

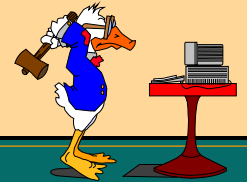
ATCP 134.04(2) CODE & HABITABILITY



- DISCLOSURE BEFORE RENTING:
 - (a) All uncorrected building and housing code violations
 - (b) Conditions affecting habitability, which the landlord knows or could know on basis of reasonable inspection creates a:
 - » Substantial hazard to the health or safety of the tenant,
 - » Risk of personal injury

5

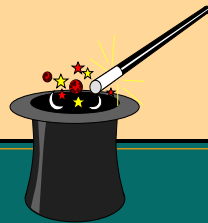
ATCP 134.07 PROMISES TO REPAIR



- (1) Every promise that the dwelling unit will be cleaned, repaired or otherwise improved by the landlord shall specify the date or time period on or within which the cleaning, repairs or improvements are to be completed
- (2) All promises made before the initial rental agreement shall be in writing with a copy furnished to the tenant

6

ATCP 134.08(7) WAIVER OF LIABILITY



- No rental agreement may:
 - Waive any statutory or other legal obligation on the part of the landlord to deliver the premises in a fit or habitable condition, or maintain the premises during tenancy

7

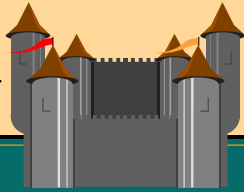
ATCP 134.09(1) CONDEMNED PROPERTY



- (1) No landlord may rent or advertise premises that are:
 - Placarded or condemned
 - On which a notice of intent to placard and condemn was posted
- Unless all repairs have been completed

8

ATCP 134.09(9) MISREPRESENTATION



- (a) No landlord may do any of the following for the purpose of inducing any person to enter into a rental agreement:
 - 1. Misrepresent the location, characteristics or equivalency of dwelling units owned or offered by the landlord

9

ENFORCEMENT

- CONSUMER COMPLAINT PROCESS
- VOLUNTARY COMPLIANCE
- PROGRESSIVE ENFORCEMENT
- WARNING
- ASSURANCE
- REFERRAL



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REFERRAL VENUE



- CIVIL VIOLATIONS
 - "PREPONDERANCE OF EVIDENCE"
 - WIS DOJ OR ANY DIST ATTY
 - » EXCEPT IN MILW CTY
 - \$100 TO \$10,000 FORFEITURE
- CRIMINAL VIOLATIONS
 - "BEYOND A REASONABLE DOUBT"
 - DISTRICT ATTORNEY
 - \$25 TO \$5,000 FINE & 1 YEAR IN JAIL

11

PRIVATE RIGHT OF ACTION



- A person who suffers a monetary loss because of a violation of this chapter may sue the violator directly under s. 100.20 (5), Stats., and may recover twice the amount of the loss, together with costs and reasonable attorneys' fees.

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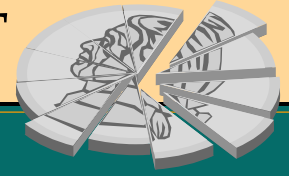
CHAPTER 704 ISSUES



- MODIFIES CONTRACT LAW
- VIOLATIONS ARE PRIVATELY ENFORCED
- DEFINES LANDLORD AND TENANT
 - RIGHTS
 - DUTIES
 - RESPONSIBILITIES

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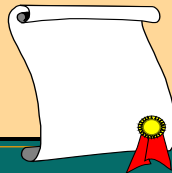
RENT ABATEMENT



- TENANT ABATES UNDER s.704.06(4)
 - FOR UNTENANTABILITY
 - DUE TO HAZARDS:
 - » HEALTH
 - » SAFETY
- PARTIAL OR FULL ABATEMENT
- SEEK PROFESSIONAL ASSISTANCE!

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TRI-AGENCY AGREEMENTS



- MILW BUILDING INSPECTORS
 - WRITE BUILDING CODE VIOLATIONS
- CP INVESTIGATORS
 - PREPARE REPORT OF L/T VIOLATIONS
- DISTRICT ATTORNEYS
 - PROSECUTE ON A PRIORITY BASIS
- “FOR THE MOST EGREGIOUS CASES”

15

CONSUMER PROTECTION QUESTIONS?



CONSUMER HOTLINE (800) 422-7128

REGIONAL OFFICES:

MILWAUKEE (414) 266-1231

GREEN BAY (920) 448-5110

MADISON (608) 224-4960

EAU CLAIRE (715) 839-3848

<http://www.datep.state.wi.us/core/consumerinfo/>

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